

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

December 11, 2014

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, William Blosser, Bill Kawecki, Bill Petros, Carol Pyles, and Michael Shuman

COMMISSIONERS ABSENT: Tim Stranko, Sam Loretta and Ken Martis

STAFF PRESENT: Christopher Fletcher, AICP

- I. **CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.
- II. **GENERAL PUBLIC COMMENTS:** None.
- III. **MATTERS OF BUSINESS:**
 - A. Approval of the September 11, 2014 meeting minutes: Kawecki moved to approve the minutes as presented; seconded by Pyles. Motion carried 5-0 with DeMasters abstaining due to his absence.
- IV. **UNFINISHED BUSINESS:** None
- V. **NEW BUSINESS:**
 - A. **MJS14-01 / Mon County Habitat for Humanity / Jerome Street:** Request by Evan Zuverink, on behalf of Mon County Habitat for Humanity, for final Major Subdivision plat approval as it relates to property along Jerome Street; Tax Map 24, Parcel 41; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

DeMasters recognized the petitioners' representative, Evan Zuverink who is the Director of Operations for Monongalia County Habitat for Humanity. Zuverink noted that the Commission's previous concerns for visitor parking within the development have been addressed as the design of the internal area of the cul-de-sac has been modified to include six (6) parking spaces. The sizes of the lots have been adjusted to a minimum of 5,000 square feet per lot and they are working with Biafore Landscaping to incorporate green space on the property to ensure the development is aesthetically pleasing to the community. The only thing outstanding is the conclusion of the performance bond to the City, which will be obtained prior to construction.

Petros asked who will maintain the Addison Circle roadway. Zuverink explained the road is currently owned by Mon County Habitat for Humanity but they will be asking City Council to adopt the road in the future.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition.

DeMasters recognized Christina Hoffman of 1289 Carlisle Avenue, who stated that Mon County Habitat for Humanity had addressed all prior concerns that the Jerome Park Neighborhood Association had with the size of lots and green space. The water issues from drainage are not completely the result of the construction site and the City will need to address said issues and accommodate the extra traffic as well.

There being no further public comments, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki moved to approve the final plat for Case No. MJS14-01 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. That a surety bond running to City Council in an amount determined by the City Engineer shall be issued and delivered to the City prior to submission of final original plats for Planning Commission President's signature and prior to the issuance of any building permits for the subject site. Said surety bond must be in an amount sufficient to complete monuments; lateral lines for stormwater sewer (if applicable) water, and sanitary sewer; roadway construction; sidewalk construction; and, street name signs. Further said surety bond must specify the time for the completion of said improvements/installations.
2. That the petitioner submit five (5) original final plat documents (marked "Final Plat") signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature;
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

B. MNS14-08 / Highland Park Square / 502 Stewart Street: Request by Michael Mills of Mills Group, on behalf of John Rice, for minor subdivision approval of property located at 502 Stewart Street; Tax Map 14, Parcels 450 and 451; B-4, Neighborhood Business District.

Fletcher presented the Staff Report. Fletcher stated the petitioner requested for Staff to represent the minor subdivision petition and explained the proposed project to the Board.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Petros asked if parking would look similar to how it is currently. Fletcher explained the parking plan and noted it would not be the same as it is now.

Kawecki asked if the development would be presented to the Planning Commission. Fletcher explained that the project is less than the square footage allowed for a Development of Significant Impact and that site plan review and approval would be completed administratively.

Kawecki moved to approve Case No. MNS14-08 as requested with Staff recommended conditions; seconded by Blosser. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

C. MNS14-09 / Bossio / 1081 Windsor Avenue: Request by Bernard Bossio for minor subdivision approval of property located at 1081 Windsor Avenue; Tax Map 6, Parcel 28; R-1, Single-Family Residential District.

Fletcher presented the Staff Report. Fletcher stated the petitioner requested for Staff to represent the minor subdivision petition and explained the house currently on the property will have to be razed prior to plat being signed and recorded.

Petros asked if Douglas Avenue is paved the width of the lot. Fletcher explained that he understands that paving of a section of Douglas Avenue will be completed through a private cost-sharing project with plans review and approval by the City Engineer.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki moved to approve Case No. MNS14-09 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature;
2. That the final plat may not be recorded until after the existing principal and accessory structure(s) are razed and removed.
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

- D. **MNS14-10 / Marano / 1217 Lions Avenue:** Request by Lisa Mardis of Project Management Services, on behalf of Gary and Deborah Marano, for minor subdivision approval of property located at 1217 Lions Avenue; Tax Map 7, Parcels 24, 25 and 28.1; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

DeMasters recognized the petitioner's representative, Lisa Mardis of Project Management Services, who concurred with the Staff Report.

DeMasters asked if the petition includes three nonconforming parcels to be combined into two parcels conforming in lot size but not conforming in frontage. Mardis confirmed.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Petros asked for numbers of nonconforming lot frontages in the immediate area of property. Fletcher referred to the Staff Report and stated there are approximately 45 houses with nonconforming frontages on Tax Map 7.

DeMasters noted that if the subdivision is approved then it needs to be stated that the variance substantially secures the objectives from a zoning standpoint.

Fletcher explained that minimum lot area standards address desired residential densities in the R-1 District.

Petros asked how many nonconforming houses are on the other side of the street and if it would change the look of the street dramatically. Fletcher noted he did not have that information with him.

Petros asked if the setbacks on the side of the house could be changed. Fletcher stated it could not be changed rather this is the way the lot had been sized.

DeMasters invited Mardis to the podium. Mardis explained the current house sits on the middle lot and the only thing not on the lot is the driveway and some stairs. Therefore they could leave the existing house and build two additional houses but then the middle lot would not have off-street parking.

Kawecki asked if they needed to include a condition that the house would need to be razed prior to allowing for a building permit. Fletcher expressed favor in the suggested condition and reworded the condition to include that final plat could not be recorded until existing structures are razed and removed.

Kawecki moved to approve Case No. MNS14-10 as requested with Staff recommended conditions as revised; seconded by Blosser. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat may not be recorded until after the existing principal and accessory structure(s) is razed and removed.
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

E. MNS14-11 / Smith / 1012 University Avenue: Request by Todd Simmons of Freeland and Kaufman, on behalf of Larry and Iris Smith, for minor subdivision approval of property located at 1012 University Avenue; Tax Map 28A, Parcels 6-11; B-4, General Business District.

Fletcher presented the Staff Report.

DeMasters recognized the petitioner's representative, Todd Simmons of Freeland and Koffman, who concurred with the Staff report.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki asked what would happen if the subdivision request is denied. Fletcher explained the subdivision request meets all related requirements.

Petros moved to approve Case No. MNS14-11 as requested with Staff recommended conditions; seconded by Pyles. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

F. RZ03-02 / Administrative / Square at Falling Run PUD: Administrative recommendation to the Planning Commission to rescind a portion of the Square at Falling Run Planned Unit Development (PUD) District classification and return certain properties to the previous R-2, Single- and Two-Family Residential District zoning classification; Tax Map 20, Parcels 231, 232, 233, and 237. (inadvertently advertised as Case No. RZ14-06)

Fletcher presented the Staff Report.

Kawecki asked if the private purchaser is aware of the necessary zoning changes with the purchase of the property. Fletcher explained that the purchaser was made aware that the

zoning classification had to be fixed prior to proceeding with any development. The PUD has been null and void for some time now.

Pyles asked if the surrounded properties are classified as R-2. Fletcher confirmed.

Petros asked if the new owners have requested the zoning classification. Fletcher noted the new owner was informed that the rezoning had to take place prior to development as the land use regulations controlling the realty are specific to the PUD Outline Plan.

Blosser asked if it would be more effective to delay the rezoning request to allow for the whole area to be completed at one time. Fletcher explained the property owner is waiting to proceed with development.

Kawecki asked if there are expectations in the Comprehensive Plan that would change the R-2 designation. Fletcher referred to the Staff Report.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki moved to submit a recommendation to City Council to rescind the Planned Unit Development District designation for Parcels 231, 232, 233, and 237 of Tax Map 20 and reclassify said realty to its former R-2, Single- and Two-Family Residential District designation for Case No. RZ03-02; seconded by Petros. Motion passed 5-0 with Blosser abstaining.

G. TX14-02 / Administrative / Article 1385 Site Plan Review: Administratively requested Zoning Text Amendment to Article 1385 of the Planning and Zoning Code as it relates to Site Plan Review.

Fletcher presented the Staff Report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Kawecki moved forward a favorable recommendation to City Council to amend Article 1385.08(A)(1)(g) as presented by Staff; seconded by Pyles. Motion carried unanimously.

H. TX14-03 / Administrative / Article 1393 Violation and Enforcement: Administratively requested Zoning Text Amendment to Article 1393 relating to conformity with State Code.

Fletcher presented the Staff Report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Shuman asked why this is being requested now. Fletcher explained there have been attempts to file lawsuits using an erroneous section of the Planning and Zoning code that is not consistent with the State Code.

Shuman asked if this would take away someone's right to sue the City if they have had filed a recent suit. Fletcher noted that the proposed amendment does not change the rights provided under State Code to appeal decisions.

Kawecki asked for clarification in ensuring this amendment would not prohibit anyone's right to question the decisions of the organization.

Fletcher explained the reason for the amendment was to follow the procedures established in State Code. Article 10 of the State Code grants municipalities and counties necessary authority to enforce ordinances enacted locally under the State Planning Enabling Law. Article 9 of the State Code establishes the appeal process for "aggrieved persons." Staff concurs with the City Attorney that the City's Planning and Zoning Code should be consistent with the enforcement authority and the appeal process established in State Code.

DeMasters explained that nothing is changing in the appeals process. The change includes if an entity violates the Planning and Zoning Code, the City could try to get injunction to stop them, rather than anyone, which is how it is currently written.

Kawecki asked if this amendment would bring the ordinance in agreement with the State law. Fletcher confirmed.

Kawecki moved forward a favorable recommendation to City Council to amend Article 1393 as presented by Staff; seconded by Pyles. Motion carried unanimously.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission. None
- Green Team. Fletcher stated he has met with a subcommittee of the Green Team that would like to promote urban agriculture. Related zoning text amendments will be presented to the Planning Commission in February.

B. Staff Comments:

- Fletcher stated that both Loretta and Stranko have been appointed by City Council to another three-year term on the Planning Commission starting on January 1, 2015.
- Codification of the City Code has been updated and hardcopies of the Planning and Zoning Code portion has been distributed to all Commissioners.
- The City has entered into an agreement with URS to assist with short-term planning services to support the implementation of the Comprehensive Plan.

- Implementation elements have been decided for the Downtown Strategic plan which includes the development of Design Review Standards in the downtown B-4 district.
- Commissioner Loretta has resigned from the Design Review Committee. A new Commission representative will need to be appointed at the January 2015 Planning Commission hearing.
- An election for 2015 President and Vice-President will be included on the January 2015 Planning Commission hearing.
- The Planning Commission will meet on Wednesday, January 14, 2015 rather than January 8, 2015 due the holidays.

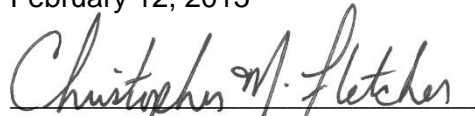
VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: 7:58 PM

MINUTES APPROVED:

February 12, 2015

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP